

MATTHEW J. PIERS (IL #2206161)  
CHIRAG G. BADLANI (IL #6308523)  
CARYN C. LEDERER (IL #6304495)  
HUGHES SOCOL PIERS RESNICK & DYM, LTD.  
70 West Madison St., Suite 4000  
Chicago, IL 60602  
Telephone: (312) 580-0100  
Fax: (312) 604-2623  
E-mail: mpiers@hsplegal.com

*Attorneys for Amici Curiae Individual Sheriffs  
and Police Chiefs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

COUNTY OF SANTA CLARA,

*Plaintiff,*

v.

DONALD J. TRUMP, et al.,

*Defendants.*

) Case No. 3:17-cv-00574-WHO  
)  
)

) **MOTION FOR LEAVE TO FILE**  
) **AMICI CURIAE BRIEF IN**  
) **SUPPORT OF PLAINTIFF'S**  
) **MOTION FOR PRELIMINARY**  
) **INJUNCTION BY INDIVIDUAL**  
) **SHERIFFS AND POLICE CHIEFS**

)  
) Date: April 5, 2017  
) Time: 2:00pm  
) Dep't: Courtroom 2  
) Judge: Hon. William H. Orrick  
)

) Date Filed: March 22, 2017  
)

) Trial Date: Not yet set  
)

Pursuant to the Court's February 24, 2017 Order Regarding Amicus Briefing (Dkt. No. 40), Movants, certain individual Sheriffs and Police Chiefs respectfully request leave to participate as *amici curiae* and file a brief in support of Plaintiff's Motion for Preliminary Injunction. The proposed brief is submitted with this motion.

# **I. Interest of Proposed Amici**

*Amici* are individual police chiefs and sheriffs from cities and counties in eleven states. *Amici* have extensive expertise in local law enforcement and in cooperative federal-state law enforcement activities.

The following *amici* represent some of the more than 400 municipalities and counties that have policies limiting local involvement in federal immigration operations:

- Chief Art Acevedo, Houston, Texas, Police Department;
- Chief Charles Beck, Los Angeles, California, Police Department;
- Chief Chris Burbank (retired), Salt Lake City, Utah, Police Department;
- Sheriff Jerry Clayton, Washtenaw County, Michigan, Sheriff's Office;
- Sheriff Mark Curran, Lake County, Illinois, Sheriff's Office;
- Sheriff Tony Estrada, Santa Cruz County, Arizona, Sheriff's Office;
- Sheriff Michael Haley (retired), Washoe County, Nevada, Sheriff's Office;
- Sheriff Bill McCarthy, Polk County, Iowa, Sheriff's Office;
- Sheriff Joe Pelle, Boulder County, Colorado, Sheriff's Office;
- Chief Celestino Rivera, Lorain, Ohio, Police Department;
- Sheriff John Urquhart, King County, Washington, Sheriff's Office;
- Sheriff Lupe Valdez, Dallas County, Texas, Sheriff's Department; and

- Sheriff Richard Wiles, El Paso County, Texas, Sheriff's Office.

## II. Proposed Amici's Brief is Useful to the Court

In their accompanying brief, proposed *amici* supplement Plaintiff's Motion for Preliminary Injunction by drawing on their knowledge and experiences with local law enforcement practices and effective policing. In particular, proposed *amici* demonstrate that Executive Order 13768, which seeks to compel local law enforcement to take part in federal immigration enforcement, including by honoring Immigration and Customs Enforcement ("ICE") civil detainees,<sup>1</sup> will threaten public safety by undermining community policing efforts, decreasing reporting of crime and cooperation with police by immigrant communities, and forcing reallocation of limited resources from effective public safety efforts. Proposed *amici* also explain that because federal courts across the country have held that the detention of individuals under ICE detainees who would otherwise be released from custody violates the Fourth Amendment of the United States Constitution, a preliminary injunction is necessary to halt this attempt to coerce local law enforcement officers and agencies into a practice that would likely result in widespread constitutional violations and substantial civil liability.

The information presented by proposed *amici* will aid the Court in assessing the balance of the equities and the public interest put at issue by Plaintiff's Motion for Preliminary Injunction.

## CONCLUSION

Proposed *amici* respectfully request that this Court grant this motion, allow them to participate as *amici curiae*, and accept for filing the brief submitted with this motion.

---

<sup>1</sup> ICE detainees are requests from ICE to hold an individual in local governmental custody to allow ICE to take the individual into federal custody.

1  
2 March 22, 2017

Respectfully Submitted,

3 /s/ Matthew J. Piers

4 Matthew J. Piers  
5 Chirag G. Badlani  
6 Caryn C. Lederer  
7 HUGHES SOCOL PIERS RESNICK & DYM, LTD.  
8 70 West Madison St., Suite 4000  
Chicago, IL 60602  
(312) 580-0100

9 *Counsel for Amici*

**CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing motion and proposed brief will be delivered electronically on March 22, 2017, to counsel for Plaintiff and Defendants through the District's Electronic Case Filing system.

/s/ Matthew J. Piers